

Commissioner of Patents  
Serial No. 10/808,829  
Amendment Date February 27, 2006  
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**REMARKS**

**I. Status of the Application.**

Claims 1-3, 5-7, 10-12, 14, and 17-24 of the Application were pending as of the date of the Office Action. In the Office Action, the Examiner:

- (a) objected to claim 18 as depending on canceled claim 16 and claim 21 based on incorrect claim language;
- (b) rejected claims 1, 2, 7, and 23 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Publication No. 2004/0141336 for West et al. ("West et al.");
- (c) rejected claim 14 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,926,435 to Li ("Li");
- (d) rejected claims 19 and 20 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,428,509 to Dassanayake ("Dassanayake");
- (e) rejected claim 3 under 35 U.S.C. §103(a) as allegedly being unpatentable over West et al. in view of U.S. Patent No. 6,871,983 to Jacob et al. ("Jacob et al."); and
- (f) objected to claims 5, 6, 10-12, 17, 18, 21, 22, and 24 as being dependent upon a rejected base claim.

In this response, Applicant has canceled claims 5, 22, and 24 and amended claims 1, 6, 14, and 18-21. The amended claims do not constitute new matter and are supported by the Application as filed. Applicant respectfully submits that the foregoing amendments and following remarks incorporated herein overcome the Examiner's rejections and objections to the aforementioned claims and thus, respectfully requests the allowance of the remaining pending claims.

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**II. Applicant's Amended Claims Do Not Constitute New Matter.**

Applicant has amended claim 1 to incorporate the limitations of claim 5. Because these limitations were present in the original claims and are supported by the specification as filed, Applicant respectfully submits that the amendment to claim 1 does not constitute new matter. Applicant has also amended claim 14 to incorporate the limitations of claim 24 and amended claim 19 to incorporate the limitations of claim 22. These limitations were present in claims previously presented and are supported by the originally filed Application, for example, at page 5 and in Figures 5 and 7. Claims 6, 18, and 20 have been amended to either correct an informality such as a grammatical typographical error or to change the dependency of the claim. Claim 21 has been amended to correct typographical errors. Accordingly, Applicant respectfully submits that claims 6, 18, 20, and 21 are supported by the originally filed Application. For these reasons, Applicant respectfully submits that no new matter is added by way of amendment and requests that the amendments be entered.

**III. The Objections to Claims 18 and 21 Should Be Withdrawn.**

Applicant has amended claim 18 to properly depend from claim 14 and amended claim 21 to replace "are" with "is". Accordingly, Applicant respectfully submits that the informalities noted by the Examiner in these claims have been resolved and requests that the objections to claims 18 and 21 be withdrawn.

**IV. The Rejection of Claims 1, 2, 7, and 23 Under 35 U.S.C. §102(e) Should Be Withdrawn.**

Applicant respectfully submits that the rejection of claims 1, 2, 7, and 23 under 35 U.S.C. §102(e) should be withdrawn. Claim 1 has been amended to include the limitations of claim 5.

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As noted by the Examiner, the limitations of claim 5 are not disclosed by the prior art. (Office Action, p. 4). Accordingly, Applicant respectfully submits that the rejection of claim 1 under 35 U.S.C. §102(e) should be withdrawn because claim 1 is patentably distinguishable from the prior art. Moreover, Applicant respectfully submits that the rejection of claims 2, 7, and 23 under 35 U.S.C. §102(e) should be withdrawn because claims 2, 7, and 23 depend from and incorporate all the limitations of the allowable amended claim 1. Applicant respectfully submits that amended claim 1 and claims 2, 7 and 23 are now in allowable form.

**V. The Rejection of Claim 14 Under 35 U.S.C. §102(e) Should Be Withdrawn.**

Applicant respectfully submits that the rejection of claim 14 under 35 U.S.C. §102(e) should be withdrawn because claim 14 has been amended to incorporate the limitations of claim 24. As noted by the Examiner, the limitations of claim 24 are not disclosed by the prior art. (Office Action, p. 4). Accordingly, Applicant respectfully submits that amended claim 14 is now in allowable form because it is patentably distinguished from the prior art.

**VI. The Rejection of Claims 19-20 Under 35 U.S.C. §102(b) Should Be Withdrawn.**

Applicant respectfully submits that the rejection of claims 19-20 under 35 U.S.C. §102(e) should be withdrawn because claim 19 has been amended to include the limitations of claim 22. As noted by the Examiner, the limitations of claim 22 are not disclosed by the prior art. (Office Action, p. 4). Therefore, Applicant respectfully submits that amended claim 19 is not anticipated by the prior art and is now in allowable form. Moreover, Applicant respectfully submits that the rejection of claim 20 should be withdrawn because it depends from and incorporates all the limitations of allowable amended claim 19. Applicant respectfully requests the withdrawal of the rejections of claims 19-20.

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**VII. The Rejection of Claim 3 Under 35 U.S.C. §103(a) Should be Withdrawn.**

Applicant respectfully requests that the rejection of claim 3 under 35 U.S.C. §103(a) be withdrawn because claim 3 depends from allowable amended claim 1. *See* MPEP 2143.03 ("If an independent claim is not obvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." (citing *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988))).

**VIII. The Objections to Claims 5, 6, 10-12, 17, 18, 21, 22, and 24 Should Be Withdrawn.**

The Examiner objected to each of claims 5, 6, 10-12, 17, 18, 21, 22, and 24 as being dependent upon a rejected base claim, but stated that each claim "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." (Office Action, p. 4). Applicant respectfully submits that the objection to each claim should be withdrawn, because the limitations of claims 5, 24, and 22 have been incorporated into independent claims 1, 14, and 19, respectively and the rest of the claims now depend from an allowable base claim. Applicant respectfully requests allowance of these claims.

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**CONCLUSION**

For all of the foregoing reasons, it is respectfully submitted that Applicant has made a patentable contribution to the art and that this response places the above-identified application in condition for allowance. Favorable reconsideration and allowance of this Application is therefore respectfully requested. In the event Applicant has inadvertently overlooked the need for payment of an additional fee, Applicant conditionally petitions therefor, and authorizes any deficiency to be charged to deposit account 09-0007. When doing so, please reference the above-listed docket number.

Respectfully submitted,

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